

MASSACHUSETTS STATE EMERGENCY RESPONSE COMMISSION (SERC)

LOCAL EMERGENCY PLANNING COMMITTEE CERTIFICATION PROCESS

In 1986 Congress passed the Emergency Planning and Community Right-to-Know Act, Public Law 99-499, commonly known as EPCRA or SARA Title III. Section 301(a) of the legislation required each governor to appoint a state emergency response commission (SERC) by April of 1987. Section 301(b) charged the SERCs with the responsibility of dividing the states into planning districts and Section 301(c) for appointing local emergency planning committees (LEPC). In 1987 the Massachusetts State Emergency Response Commission in compliance with the new legislation designated each MEMA sub-area as planning districts and appointed a Local Emergency Planning Committee for each city and town within them. The legislation required that the committees have representation from a specified number of interest groups.

The mission of a LEPC can be summarized as followed:

1. A response plan must be written for responding to a hazardous material incident within the jurisdiction(s). It must also be reviewed annually.
2. Emergency responders (police, fire, emergency medical services, public works, etc.) must be trained to levels indicated in the plan. At a minimum, first responders must be trained to the awareness level.
3. The emergency response plan must be exercised at least once a year.
4. The committee must create a system to collect, store, and respond to public requests.

Purpose of Certification Process:

The certification process was created by the Massachusetts SERC to be a management tool and a standard by which all LEPCs in the Commonwealth are judged equally, and was designed to ensure all LEPCs are meeting the goals and missions of SARA Title III. This process encourages both individual communities and regional committees (comprised of multiple communities), to apply for certification to document they are meeting the requirements of the SERC and SARA. The process involves submitting a completed application and the accompanying documentation related to it. The process will encourage more efficient use of limited funding to meet the goals of SARA Title III. It also documents for the SERC, areas that need improvement within the overall network of local and regional LEPC's. Needs that are identified by this process can be targeted for special attention in the various SERC funding and technical programs.

The Certification Process:

The LEPC shall submit to the Massachusetts SERC a completed application process for LEPC certification. The contents of the application process is described below. The certification will be valid for three years. At the end of the third year, the certification may be extended upon submission of verification that the LEPC is still in compliance with the certification criteria.

There are three levels of certification and criteria: full, provisional, and start-up. The application shall indicate to which level is being applied for.

Full certification:

A committee that meets the criteria set forth in the legislation and application process. This certification would be valid for 3 years. A committee meeting the full certification level would be in compliance with all the relevant SARA Title III regulations and SERC directives. In addition, it would be eligible to apply for EPA CERCLA Sec. 123 reimbursement grants for Local Governments for Emergency Response to Hazardous Substance Releases. This committee may also apply for limited funding available via SERC grants related to the SARA title III, including planning, training, exercising, etc. Committees for communities who are listed as priority community by the EPA Priority Index may remain independent if they wish to remain so if they meet the committee criteria.

Provisional certification:

A committee that meets most of the criteria set forth in the legislation and application process. This committee would be eligible for funding to meet the remaining application needs only. This certification would be valid for two years only.

Start-Up certification:

but A committee that has agreed to meet the criteria set forth in the Full certification criteria, is not able to meet various criteria due to the newness of the committee. This certification would be valid for one year only. Funding for SARA title III activities will be limited to meet the committee certification criteria activities only.

Non-certified committee:

A committee that either does not meet the minimum criteria for certification or has not applied for certification. This committee will not be eligible for funding. It may also be subject to inclusion to a existing LEPC at some point in the future.

Committee Structure:

Submit a listing of current members of your LEPC. Listing shall include member's names, title, affiliation, and telephone number. Committees must be representative of the twelve categories found in the SARA regulations: 1. Elected state and local officials; 2. law enforcement; 3. emergency management (civil defense); 4. firefighting; 5. emergency medical services (first aid); 6. health; 7. local environmental; 8. hospital; 9. transportation personnel; 10. broadcast and print media; 11. community groups; 12. owners and operators. There must be representation from facilities utilizing extremely hazardous substances. Regional Committees should be representative of the communities covered by the committee. If sub-committees are organized, please list them and their memberships.

Provide the name of the LEPC Chairperson.

If your LEPC represents more than one community, please indicate which municipalities are covered and a statement from the municipalities to that effect.

If the LEPC has standing and ad-hoc committees, a listing of those committees and their membership should be attached.

Submit the dates and agendas for the past two meetings. Also, provide the attendance for both meetings.

Submit the location used to post meeting agendas to comply with the open meeting law.

Provide the name of the person designated to handle all SARA/Right-to-Know requests.

Provide the location of Tier II information and plans and a description of their storage and organization.

Provide the hours that the tier II information and plans are available to the public.

Community Emergency Response Plan:

Submit a copy of the LEPC's response plan for hazardous material emergencies. The plan must meet the requirements of the NRT-1A document. A cross-walk between the NRT-1A document and your plan must be submitted.

The plan must be accompanied by a copy of the community's acceptance signed by the chief executive or elected official.

If more than a year old, an annual review statement must be included indicating the date the last time the plan was reviewed and any changes that were incorporated.

Provide the name of the Community Emergency Response Coordinator and letter from the chief elected official providing that designation.

The applicant shall provide a copy of legal notice in the local newspaper announcing the plan and hazardous substance data are available.

Training of Response Personnel:

The committee shall submit a statement indicating the status of training for community response personnel, including at a minimum the following categories of responders:

- Fire
- Emergency Medical Services
- Police
- Emergency Management
- Public Works
- Health

The review of the above personnel shall indicate the SARA level of training accomplished: Awareness, Operations, Technician-specialist, Incident Command System.

The committee shall indicate the instructor(s) who provided such training, when it was taught and what curriculums were used.

Plan Exercising:

The committee shall submit the report of the last exercise held. It shall at a minimum include the date and time; the type of exercise (table top, functional, or full scale); the participants and agencies involved; the problem(s) focused on; the exercise coordinators and evaluators names; a copy of the FEMA Form 95-44 if the exercise was submitted for FEMA credit; and the written evaluation of the exercise.

Risk Reduction Activities:

The committee shall submit those activities it has undertaken to reduce risks within it district. Activities may include those programs undertaken with local facilities to: reduce inventories, reengineer for safer processing, substitute less hazardous substances for more hazardous substances, conduct facility safety inspections-audits/activities, etc.

Community Outreach Programs:

The committee may submit those activities that promote community awareness and outreach of the committee's activities. This may include: brochures, radio announcements, tv spots, programming, newspaper articles, handouts, etc.

Application Submission and Review Process:

Applications will be accepted three times a year, March 15, July 15, and October 15.

LEPCs shall submit three copies of their completed applications to the SERC, via the Area Offices (below) of the Massachusetts Emergency Management Agency (MEMA). The MEMA Area office shall review the application to ensure that it is complete, before forwarding it to the SERC for review and approval. The Area office shall immediately advise the applying committee if there is a problem with their application.

The SERC has the mission to insure that adequate planning and information management activities are undertaken for every community within the Commonwealth. The SERC will be assisted by its LEPC Liaison Committee. The Liaison Committee shall review the application for completeness and accuracy. The Liaison Committee may request the applying LEPC to meet with them to answer questions regarding its application. The Liaison Committee shall vote to recommend approval to the SERC for those applications meeting the proposed criteria. The SERC Coordinator shall also submit his recommendation along with the committee's vote. Both will be forwarded to the full SERC.

The SERC shall vote at its next regular or special meeting to approve applications after receiving the Liaison Committee's recommendation and SERC Coordinator's comments. The applying LEPC shall be advised of all meetings of the Liaison Committee and the SERC, related to their applications. The SERC shall advise the applying LEPC in writing of its decision.

A committee whose application is not approved by the SERC, may re-submit with the needed or revised information.

Communities not submitting an application to the SERC for certification may be assigned by the SERC to an LEPC that has been certified or is applying for certification.

The addresses for the Area Offices are as follows:

Area 1	MEMA Area 1 Hq	(508) 640-9500
	Tewksbury Hospital P O Box 116	Fax (508) 851-8218
	Tewksbury, MA 01876-0116	

Counties Covered: Essex, Middlesex, Suffolk.

Area 2 MEMA Area 2 Hq (508) 697-3111
 P O Box 54 Fax (508) 697-8869
 Bridgewater, MA 02324-0054

Counties Covered: Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth.

Area 3 MEMA Area 3 Hq (413) 323-6306
 P O Box 1190 Fax (413) 323-6398
 Belchertown, MA 01007-1190

Counties Covered: Berkshire, Franklin, Hampden, Hampshire, and Worcester.

For general information and questions regarding the LEPC Certification process, contact the SERC Coordinator's office located at the Massachusetts Emergency Management Headquarters:

Mass State Emergency Response Commission
P O Box 1496
Framingham, MA 01701-0317

(508) 820-2000
Fax (508) 820-2030

Decertification Process:

A committee that fails to meet the criteria of the application process upon written notice by the SERC may be decertified. A hearing with the committee shall be held within one month of the written notice to allow the committee to submit information to allow its certification.

Any committee that fails to apply to renew its certification shall be sent written notice by the SERC that they are subject to decertification if they do not submit a written request for recertification.

The intent of the process is to keep the LEPCs certified. Decertification should only be considered as a last resort.

The decision to decertify a LEPC shall be made by the SERC in an open meeting and notice of such shall be sent to the committee in question. The decision of the SERC shall also be sent to the committee.

MASSACHUSETTS STATE EMERGENCY RESPONSE COMMISSION
LOCAL EMERGENCY PLANNING COMMITTEE CERTIFICATION APPLICATION

APPROVAL CRITERIA

Full Certification Criteria

Must meet or exceed the following:

Section A: Chairperson: Must be designated and listed.

Committee membership categories: committee must have representatives of all of the thirteen of the following membership categories specified in the legislation. 1. Elected state and local officials; 2. law enforcement; 3. emergency management (civil defense); 4. firefighting; 5. emergency medical services (first aid); 6. health; 7. local environmental; 8. hospital; 9. transportation personnel; 10. broadcast and print media; 11. community groups; 12. owners and operators. There must be representation from facilities utilizing extremely hazardous substances. Regional Committees should be representative of the communities covered by the committee. If sub-committees are organized, please list them and their memberships.

Section B: Meeting Agendas, there must have been at least two meetings in the last year and the agenda of those meeting attached.

Meeting attendance, fifty percent of the membership must have attended both meeting at least twice a year.

Section C: SARA Right-to-Know Coordinator, The committee must have a designated coordinator.

The Committee must have a defined SARA title III information process, including a specified storage location, hours for public inspection of records, and availability of information during non-business hours.

It is recommended that the committee use the Tier 2 5.0 software for Tier 2 management. This software is available at no charge from the SERC. The use of CAMEO and ARCHIE are also recommended.

Section D: A Copy of the committee's hazardous material response plan must be submitted with the application. The plan must be accepted by the committee and the municipalities for which it covers.

The plan must have been completed or reviewed within the past year. If reviewed, a letter from the Chairperson indicating who reviewed the plan, when the review was completed, and what was reviewed, and any changes incurred.

A copy of the legal advertisement must be attached with the application.

A letter from the chief elected official designating the community emergency response coordinator for their community. If more than one municipality is represented by the LEPC, each municipality must submit a letter designating their Community Emergency Response Coordinator.

Section E: The Attachment E, Detailed Review of the Committee's Hazardous Material Plan must be completed. The plan must reference all thirteen items included in the checklist for the plan to be considered in full compliance.

Section F: The committee must submit for each of the following categories of personnel the total number of employees and the number trained to the Awareness, Operations, Technician, Specialist and Incident Command System (ICS) levels. For each department, the course and instructor(s) used shall also be listed. The categories of employees shall include: emergency management, emergency medical services, fire, health, police, public works. Training for full committee certification shall be all emergency medical services and police personnel trained to at least the awareness level and fire personnel shall be trained to at least the operations level. Command personnel of fire, police, emergency medical and emergency management shall be trained in ICS. Health, public works and emergency management personnel should be at least 50 % trained to the awareness level.

Section G: The committee must have conducted at least one table-top, functional, or full scale exercise within the past year. The evaluation report shall be submitted.

Section H: A listing of the abutter LEPC's must be attached.

Provisional Certification Criteria

Must meet or exceed the following:

Section A: Chairperson: Must be designated and listed.

Committee membership categories: committee must be representative of at least 50 percent of the membership categories specified in the legislation. There must be representation from facilities utilizing extremely hazardous substances. Regional committees should be representative of the communities covered by the committee.

Section B: Meeting Agendas, there must have been at least one meeting in the last year and the agenda of that meeting attached.

Meeting attendance, fifty percent of the membership categories must have attended the meeting.

Section C: SARA Right-to-Know Coordinator, committee must have a designated coordinator.

Committee must have a defined SARA title III information process, including a specified storage location, hours for public inspection of records and availability of information during non-business hours.

It is recommended that the committee use the Tier 2 5.0 software for Tier 2 management. This software is available at no charge from the SERC. The use of CAMEO and ARCHIE are also recommended.

Section D: A Copy of the committee's hazardous material response plan must be submitted with the application. The plan must be accepted by the committee and the municipalities for which it covers.

The plan must have been completed or reviewed within the past year. If reviewed, a letter from the Chairperson indicating who reviewed the plan, when the review was completed, and what was reviewed, and any changes incurred.

A letter from the chief elected official designating the community emergency response coordinator for their community. If more than one municipality is represented by the LEPC, each municipality must submit a letter designating their Community Emergency Response Coordinator.

- Section E: The Attachment E, Detailed Review of the Committee's Hazardous Material Plan must be completed. At least 7 of the thirteen items must be included for the plan to be considered acceptable.
- Section F: The committee must submit for each of the following categories of personnel the total number of employees and the number trained to the Awareness, Operations, Technician, Specialist and Incident Command System (ICS) level. For each department the course and instructor(s) used shall also be listed. The categories of employees shall include: emergency management, emergency medical services, fire, health, police, public works. Training for provisional committee certification shall have at least 50 % of emergency medical and police personnel trained to the awareness level; 75 % fire personnel trained to the operations level. Half of all command personnel for fire, police, emergency medical and emergency management shall be trained in ICS. Health, public works and emergency management personnel should be at least 20 % trained to the awareness level. If training has not been completed, the committee shall submit a plan of correction to bring it into compliance.
- Section G: The committee must have conducted at least one table-top, functional, or full scale exercise within the past two years. The evaluation report shall be submitted.
- Section H: A listing of the abutter LEPC's must be attached.

Start-Up Certification Criteria

Must meet or exceed the following:

- Section A: Chairperson: Must be designated and listed.
- Committee membership: committee must be representative of at least 50 percent of the membership categories specified in the legislation. There must be representation from facilities utilizing extremely hazardous substances. Regional committees should be representative of the communities covered by the committee.
- Section B: Meeting Agendas, there must have been at least one organization meeting in the past three months and the agenda of that meeting attached.

Meeting attendance, fifty percent of the membership categories attended the meeting.

Section C: SARA Right-to-Know Coordinator, committee must have a designated coordinator.

Committee must have or submit a plan for a defined SARA title III information process, including a specified storage location, hours for public inspection of records and availability of information during non-business hours.

It is recommended that the committee use the Tier 2 5.0 software for Tier 2 management. This software is available at no charge from the SERC. The use of CAMEO and ARCHIE are also recommended.

Section D: A copy of the committee's hazardous material response plan must be submitted with the application or within ten months of the application date. The plan must be accepted by the committee and the municipalities for which it covers.

Letter from chief elected official designating the community emergency response coordinator. If more than one municipalities is represented by the LEPC, each municipality must submit a letter designating their Community Emergency Response Coordinator.

Section E: If the plan is submitted, the Attachment E, Detailed Review of the Committee's Hazardous Material Plan must be completed.

Section F: The committee must submit for each of the following categories of personnel the total number of employees and the number trained to the Awareness, Operations, Technician, Specialist and Incident Command System (ICS) levels. For each department the course and instructor(s) used shall also be listed. The categories of employees shall include: emergency management, emergency medical services, fire, health, police, public works. If training has not been conducted, the committee shall submit a plan of correction to bring it into compliance.

Section G: The committee should submit a tentative plan to conduct a table-top exercise to exercise the emergency response plan when it is completed.

MASSACHUSETTS STATE EMERGENCY RESPONSE COMMISSION

LOCAL EMERGENCY PLANNING COMMITTEE CERTIFICATION APPLICATION

Application Date: _____ **Committee Certification Applying For:** _____

EPA Community Priority Index: _____

Name of municipality(ies) seeking certification:

Name of Proposed Committee:

Mailing Address of Committee:

Telephone number of committee: (_____) _____

(_____) _____

Name of Committee Contact: _____

Telephone number of contact: (_____) _____

Name of Person filling out Application if different than above:

Name: _____

Telephone number: (_____) _____

The following documents shall be attached as followed:

- | | |
|---------------|--|
| Attachment A: | Current Committee Membership, and Chairperson |
| Attachment B: | The Posted Agendas for the past two meetings and attendance lists for those meetings. |
| Attachment C: | SARA Title III Information handling process. (see Attachment C Form). |
| Attachment D: | Copy of Community Response Plan, & Letter Designating Community Emergency Coordinator. |
| Attachment E: | Detailed Review of Community Hazardous Material Plan. |
| Attachment F: | Community Emergency Response and Medical Personnel Training Status. |
| Attachment G: | Exercise Program of Community Hazardous Material Emergency Plan. |
| Attachment H: | List of Abutting LEPCs Names, Addresses, and Chairpersons. |

The documents shall be submitted along with this application.

LOCAL EMERGENCY PLANNING COMMITTEE APPLICATION

ATTACHMENT A

Committee Membership and Chairperson

Date: _____

1. Membership list of current members including, name, title, affiliation/address, and telephone number.

List attached: yes / no

if no, explanation: _____

2. Name of Chairperson:

Include, name, title, affiliation/address, and telephone number.

Name attached: yes / no

if no, explanation: _____

LOCAL EMERGENCY PLANNING COMMITTEE APPLICATION

ATTACHMENT B

LEPC AGENDAS and ATTENDANCE LISTING

Date: _____

1. Copies of meeting agendas for the two most recent meetings.

Dates: _____

Attached: yes / no

if no, explanation: _____

2. Attendance Rosters for above meetings.

Attached: yes / no

if no, explanation: _____

LOCAL EMERGENCY PLANNING COMMITTEE APPLICATION

ATTACHMENT C

SARA TITLE III INFORMATION MANAGEMENT DESCRIPTION

Date: _____

1. Name of Committee designated person to handle SARA Title III right-to-know requests:

Name: _____

Title: _____

Telephone number: (_____) _____

2. Address of Committee Location where Tier II Reports, MSDS, and plans are stored:

Mailing Address, if different:

3. Listing of sub-committees and their membership.

Sub-Committee list and membership attached,

yes, _____

no, _____, no sub-committees

4. Description of their storage and the organization of the records:

Hours open to public:

5. Alternate Locations records available to Public?:

Hours available to public:

6. Do your committee have and use the Tier 2 5.0 computer software for the management of the tier 2 information?

Yes: _____

Name of person who maintains the program and data:

Telephone No.: (_____) _____-

No: _____

7. Do your committee have and use the CAMEO and/or ARCHIE programs for the management of the facility and response data?

Yes: _____

Name of person who maintains the program (s) and data:

CAMEO version no.: _____

MAC: _____

WINDOWS: _____

DOS: _____

Telephone No.: (_____) _____-

No: _____

8. Does you your committee have it's records and plans in machine readable format.

Yes: _____ Name of Word Processing Software: _____

No: _____

LOCAL EMERGENCY PLANNING COMMITTEE APPLICATION

ATTACHMENT D

**COPY of COMMUNITY RESPONSE PLAN, &
DESIGNATION OF RESPONSE COORDINATOR**

Date: _____

1. Community Hazardous Material Response Plan: Attached: yes / no

if no, explanation: _____

Date of Plan: _____

Annual Review statement if more than a year old. Attached: yes / no

if reviewed. If reviewed, a letter from the Chairperson indicating who reviewed the plan, when the review was completed, and what was reviewed, and any changes incurred.

if not reviewed, explanation:

2. Letter from Chief Elected Official designating Community Response Coordinator:

Attached: yes / no

if no, explanation:

3. Copy of Legal advertisement, per Section 324, advising public of the availability and the location of the Plans, MSDS, Forms, and follow-up notices (this must be done annually):

Attached: yes/no

if no, explanation:

LOCAL EMERGENCY PLANNING COMMITTEE APPLICATION

ATTACHMENT E

DETAILED REVIEW OF HAZARDOUS MATERIAL RESPONSE PLAN

Date: _____

NRT-1A Criteria for Review of Hazardous Material Response Plans.

Mandatory Criteria:

NRT-1A Plan Requirements and Descriptions and (SARA Title III or NRT-1 Guide reference).

Source: National Response Team Criteria for Review of Hazardous Materials Emergency Plans, May 1988.

- 6.2 Identify and describe the facilities in the district that possess extremely hazardous substances and the transportation routes along which such substances may move within the district. (A.6)

Requirement met, see page ____; section or paragraph_____

Requirement NOT met, correction plan:_____

- 6.3 Identify and describe other facilities that may contribute to additional risk by virtue of their proximity to the above mentioned facilities. (A.6)

Requirement met, see page ____; section or paragraph_____

Requirement NOT met, correction plan:_____

- 6.4 Identify and describe additional facilities included in the plan that are subject to additional risks due to their proximity to facilities with extremely hazardous materials. (A.6)

Requirement met, see page ____; section or paragraph_____

Requirement NOT met, correction plan:_____

- 6.5 Include methods for determining that a release of extremely hazardous substances has occurred, and the area of population likely to be affected by such release. (A.6)

Requirement met, see page ____; section or paragraph_____

Requirement NOT met, correction plan:_____

- 7.1 Designate, by title, the individual described as the community emergency response coordinator and each of the facility emergency coordinators. (303(c)(3))

Requirement met, see page ____; section or paragraph_____

Requirement NOT met, correction plan:_____

- 10.1 Include procedures for providing reliable, effective, and timely notification by the facility emergency coordinator to persons designated in the emergency response plan, and to the public, that a release has occurred. (C.4)

Requirement met, see page ____; section or paragraph_____

Requirement NOT met, correction plan:_____

- 12.1 Include methods and procedures to be followed by facilities owners and operators and local emergency and medical personnel to respond to a release of extremely hazardous substances. (303(c)(2))

Requirement met, see page ____; section or paragraph_____

Requirement NOT met, correction plan:_____

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- 16.1 Include a description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of this subtitle and an identification of persons responsible for such equipment and facilities. (303(c)(6))

Requirement met, see page ____; section or paragraph_____

Requirement NOT met, correction plan:_____

- 17.1 Include methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to a release of extremely hazardous substances. (303(c)(2))

Requirement met, see page ____; section or paragraph_____

Requirement NOT met, correction plan:_____

- 19.1 Describe methods in place in the community and each of the affected facilities for determining the areas likely to be affected by a release. (303(c)(5))

Requirement met, see page ____; section or paragraph_____

Requirement NOT met, correction plan:_____

- 20.1 Describe evacuation plans, including those for precautionary evacuations and alternative traffic routes. (C.9b)

Requirement met, see page ____; section or paragraph_____

Requirement NOT met, correction plan:_____

- 28.1 Include methods and schedules for exercising the emergency plan. (303(c)(9))

Requirement met, see page ____; section or paragraph_____

Requirement NOT met, correction plan:_____

29.1 Include the training programs. including schedules, for training of local emergency response and medical personnel.

Requirement met, see page ____; section or paragraph_____

Requirement NOT met, correction plan:_____

Requirement met, see page ____; section or paragraph_____

Requirement NOT met, correction plan:_____
